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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,004	12/29/2000	Mun Keung Leung	1190-2111	7689
27045	7590	01/12/2006	EXAMINER PHAN, TRI H	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,004

Applicant(s)

LEUNG, MUN KEUNG

Examiner

Tri H. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on September 15th, 2005. Claims 3, 11 and 17-24 are now canceled. Claims 1-2, 4-10 and 12-16 are now pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gai et al.** (U.S.6,167,445; hereinafter refer as '**Gai**') in view of **Lavian et al.** (U.S.2004/0076161; hereinafter refer as '**Lavian**').

- In regard to claims 1 and 9, **Gai** discloses, the *means and method for handling emergency voice over internet protocol 'VoIP' calls in a virtual local area network 'VLAN'* (for example see figure 3), *which comprising the steps of reserving a range of specific port numbers for use during emergencies* (for example see col. 2, lines 43-46 wherein ports with different priority queues/values is defined in col. 2, lines 7-42. **Gai** does disclose about the range of

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specific port number as disclosed in col. 2, lines 17-46; but lacks to explicitly disclose about the range of specific port numbers “*for use during emergencies*”; however, it is inherent that, emergency situations as disclosed in col. 12, lines 19-24, have the high priority, e.g. user priority values from “4” - “7”, in order to go through the network or ‘must get there’ with minimum delay or jitter); *detecting a call within the VLAN having a port number falling within said range of specific port numbers and classifying the call as an emergency call* (‘packet/frame classifier 516’ in figure 5; for example see col. 14, lines 41-45; col. 19, lines 50-56); *reserving extra resources for handling the emergency call* (for example see figures 4-5; wherein the traffic management controller 512 determines the network resources as disclosed in col. 17, lines 63-67; based on the information provided by the device-specific filter entity as disclosed in col. 18, lines 45-65); *determining an actual priority value of the call* (for example see col. 19, lines 50-60).

Gai does disclose about the regenerating for the user priority value as disclosed in col. 2, lines 65-67; col. 11, line 66 through col. 12, line 1; in order to adjust the parameter for emergency situations as disclosed in col. 12, lines 19-24; but explicitly lacks what **Lavian** discloses about *routing ... to a “queue requiring a higher priority than the actual priority value of the emergency call”* (for example see figure 4; page 3, para [0027] wherein the priority bit is compared/set for the selected priority egress queuing in dynamic assignment traffic classes to a different priority queue according to traffic patterns/conditions as disclosed in page 1, para [0004]; page 5, lines 6-11 of para [43] and in details of figure 6).

It would have been obvious to one with ordinary skill in the art at the time of invention to include the routing ... to a queue requiring a higher priority than the actual priority value as taught by **Lavian** into the **Gai**’s high level quality of service device for the purpose of dynamic

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assignment classes of traffic and changing priority of the queue. The motivation being that dynamic assignment and changing priority of the queue allows for providing dynamic control of the priority queuing as disclosed in **Lavian**: page 1, lines 12-15 of para [0014].

- Regarding claims 2, 4, 10 and 12, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Gai** further discloses about reserving a specific range of port numbers so that when a port number within the range of specific port numbers is detected, the priority value of the call is raised (for example see col. 2, lines 17-46; wherein, it is inherent that, emergency situations as disclosed in col. 12, lines 19-24, have the high priority, e.g. user priority values from “4” - “7”, in order to go through the network or ‘must get there’ with minimum delay or jitter, and with the regenerating/adjusting the user priority value to the highest user priority value, i.e. user priority of “7”, for emergency situations as disclosed in col. 2, lines 65-67; col. 12, lines 23-24).

4. Claims 5-8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gai et al.** (U.S.6,167,445) in view of **Lavian et al.** (U.S.2004/0076161) as applied to claims 1-2, 4, 9-10 and 12 above, and further in view of **Schuster et al.** (U.S.6,625,119; hereinafter refer as ‘**Schuster**’).

- In regard to claims 5-8 and 13-16, the combination of **Gai** and **Lavian** lacks what **Schuster** discloses about the emergency as earthquake, hurricane, fire, ... in order to dispatch the call to such as “*fire department*”, “*ambulance*”, “*police department*”, “*911 operator*”; where

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other situations of emergency may be a matter of design choice as disclosed in col. 10, lines 9-33.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to provide different dispatch calls for different emergency situations as taught by **Schuster** into the **Gai** and **Lavian**'s emergency situations, with the motivation being to control the call in different situation of emergency states as disclosed in **Schuster**: col. 10, lines 9-12.

Response to Amendment/Arguments

5. Applicant's arguments filed on September 15th, 2005 have been fully considered but they are not persuasive.

Applicant is mainly argues, see REMARKS, pages 6-7, the combination of **Gai** and **Lavian** fails to teach "*utilizing detection of the priority value and port number in order to increase the priority of the call for improved emergency call handling*". Examiner respectfully disagrees. **Gai** does disclose about the range of specific ports with different transmission priority queues per port on the basis of user priority value (col. 2, lines 17-46), which detect by the packet/frame classifier, in order for the traffic management controller places into the appropriate queue/port for forwarding (col. 19, lines 50-60). **Gai** also discloses wherein the user priority value can regenerate or adjust in emergency situations (col. 12, lines 21-24; col. 2, lines 65-67); wherein, it is obvious that the emergency situations will have the high priority than other situation, e.g. user priority values from "4" - "7", e.g. "*specific range of ports for use during*

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emergency”, in order to go through the network or ‘must get there’ with minimum delay or jitter.

However, **Gai** lacks what **Lavian** discloses wherein the priority bit is compared/set for the selected priority egress queuing in dynamic assignment traffic classes to a different priority queue (figure 4; page 3, para [0027]; e.g. “... to a “*queue requiring a higher priority than the actual priority value of the emergency call*”) in order to dynamic control the assignment of the priority queuing (**Lavian**: page 1, lines 12-15 of para [0014]; e.g. “*improve the emergency call handling*”) according to traffic patterns/conditions as disclosed in page 1, para [0004]; page 5, lines 6-11 of para [43]. Therefore, Examiner concludes that the combination of **Gai** and **Lavian** teaches the arguable features.

Claims 2, 4-8, 10 and 12-16 are rejected as in Part 3 and 4 above of this Office action and by virtue of their dependence from claims 1 and 9.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pons et al. (U.S.5,805,670), **Orwick et al.** (U.S.6,201,856) and **Shtivelman et al.** (U.S.6,788,781 ; U.S.2002/0054670) are all cited to show devices and methods for improving the emergency call in the telecommunication architectures, which are considered pertinent to the claimed invention.

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7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:



(571) 273-8300

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Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRIAN NGUYEN
PRIMARY EXAMINER

Tri H. Phan
January 7, 2006